



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

LITTLETON TEACHERS ASSOCIATION,
NEA-NEW HAMPSHIRE

Complainant

v.

LITTLETON SCHOOL DISTRICT,
JAMES CURRAN, SUPERINTENDENT

Respondent

CASE NO. T-0241:5

DECISION NO. 83-10

APPEARANCES

Representing Littleton Teachers Association, NEA-N.H.

John Fessenden

Representing Littleton School District

Bradley F. Kidder, Esq.

Also in Attendance

Katherine R. Whitten

Robert T. Whitten

James Curran

BACKGROUND

Littleton Teachers Association, NEA-New Hampshire charges that the superintendent of schools has violated 273-A:5, I (a) (c) (i) and (h) in that Mrs. Katherine Whitten did not receive a "continuing teachers contract" for the 1982-1983 school year despite the fact that Mrs. Whitten has been employed by the school district since January 1, 1979 and thereby comes under the criteria as defined in RSA 189:14-a. The Littleton Teachers Association maintains that the reasons for this discrimination against Mrs. Whitten is that she was active in the teachers association over the past two years, during a period of particular difficulty.

The school district maintains that there is no such thing as a "continuing contract", that all teacher contracts are the same, that Mrs. Whitten has received a teacher contract for 1982-1983 and has been renominated for 1983-1984.

The school district further argues that no harm has been done Mrs. Whitten to this date and should she have any further difficulties, the question of her status

and entitlement under law is more properly taken up under RSA-189:14-a and b. A hearing was held at the Board's office in Concord on April 5, 1983.

FINDINGS OF FACT AND RULINGS OF LAW

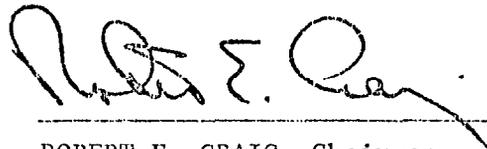
At the hearing, arguments were first introduced concerning whether or not the PELRB has jurisdiction in this case or whether RSA 189:14-a is the proper forum for resolution of this dispute.

During the above arguments it came to light that Mrs. Whitten was being given one year of seniority instead of the 3 3/4 years that the teachers association maintains that she is entitled to. References to the existing contract seemed to indicate that any service in the school district, not just teachers, should count towards seniority.

The parties met during recess and agreed that Mrs. Whitten would be given the 3 3/4 years seniority as indicated by the contract.

DECISION

Given that the parties have resolved the instant cause of the dispute, the question of Mrs. Whitten's seniority, the Board decided that there was no further issue within its jurisdiction in this case and thereby dismissed the complaint brought by the Littleton Teachers Association.



A handwritten signature in black ink, appearing to read "Robert E. Craig", is written over a horizontal line.

ROBERT E. CRAIG, Chairman

Signed this 12th day of April, 1983.

By unanimous vote. Chairman Craig presiding, members Russell Billiard and Seymour Osman present and voting.